

Message

From: Moody, Christina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=813EB7F985C845EAA91EDC10C6E9A914-CMOODY]
Sent: 8/30/2018 7:12:38 PM
To: Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: Re: Outstanding QFRs

Ok thanks Drew. **Deliberative Process / Ex. 5**

Christina J. Moody
US Environmental Protection Agency
Office of Congressional and Intergovernmental
Relations
Moody.Christina@epa.gov

On Aug 30, 2018, at 3:11 PM, Feeley, Drew (Robert) <Feeley.Drew@epa.gov> wrote:

Hi Christina

Deliberative Process / Ex. 5

Thanks,
Drew

Sent from my iPhone

On Aug 30, 2018, at 12:42 PM, Moody, Christina <Moody.Christina@epa.gov> wrote:

Hi,

Deliberative Process / Ex. 5

Thanks,

Ranking Member Carper:

10: OP/OCSPP: EPA's Science Advisory Board provides independent scientific and technical review, advice and recommendations to the Administrator on the science forming the basis for EPA's actions. In June, the Board wrote to former-Administrator Pruitt announcing that it would like to review the science forming the basis for six controversial rules before they are finalized. The request included the basis for the rule regulating greenhouse gas emissions from cars and SUVs, the rule exempting polluting glider trucks from emissions standards, the rule designed to curb greenhouse gas emissions from the oil and gas industry, the Clean Power Plan, the rule setting greenhouse gas emission standards for power plants, and EPA's proposed

“secret science” rule to ignore some of the world’s best scientific studies when writing regulations.

- a. Will you commit to making sure that the EPA Science Advisory Board gets access to any materials it needs to complete its reviews? If not, why not?
- b. Will you commit to wait to receive and review the advice the Board gives you *before* EPA finalizes any of these rules? If not, why not?

In our July 17, 2018 private meeting, I expressed my concerns about the manner in which EPA is implementing the Toxic Substances Control Act (TSCA). It is my belief that if EPA does not immediately reverse course, it risks having the majority of its TSCA implementation efforts overturned in litigation. I have several questions regarding some of my concerns. The attachments referenced in these questions consist of EPA technical assistance provided to Congress while the law was being negotiated, and are available at <https://www.epw.senate.gov/public/cache/files/f/0/f0729f1a-4385-453f-b7f8-442825a0721c/A681AA266D5CC024C98FCC85A944EB5E.senator-carper-questions-for-the-record-to-epa-nominees.pdf>.

47: OP: Environmental protection requires the use of sound science. The EPA’s own mission states that “national efforts to reduce environmental risks are based on the best available scientific information.” Science is the beating heart of the EPA’s work. You can imagine my concern in April when former Administrator Scott Pruitt proposed a “secret science” rule –or more properly named “censoring science.” Because this proposal would prevent the EPA from using scientific studies that include data that aren’t publicly available.

If the EPA can’t use public health studies that include confidential participant data, it will not be able to properly implement numerous environmental laws under EPA’s jurisdiction, like the Clean Air Act which requires the use of the best available science for implementation. Under the Administrative Procedure Act, the EPA cannot refuse to consider any comment submitted to the agency—including scientific findings based on confidential data. This proposed “censored science” rule allows for such refusal, and it wouldn’t hold up in court.

- a. Will you commit to withdrawing then-Secretary Pruitt’s proposed “censored science” rule, which is a violation of numerous laws?

It appears that EPA staff have been dissuaded from communicating to the public and to other scientists about climate risks. In October 2017, an EPA scientist, research fellow, and consultant withdrew from planned speeches at a workshop about the health of the Narragansett Bay and Watershed. Though former Administrator Pruitt responded to the October 31, 2017 letter sent by New England members of Congress expressing our concern,

that reply was vague.^[1] In this response letter, it was indicated that “[p]rocedures have been put in place to prevent such an occurrence in the future.” When another set of follow-up questions was asked to clarify that statement, the answers provided on May 10, 2018 were incomplete.

- b. What are the exact procedures put in place to ensure that EPA scientists continue to be able to speak at public events about climate science?
- c. How have you evaluated whether these new procedures are successful and staff are not discouraged from participating in similar scientific forums? If no evaluation has been made, why not?

Christina J. Moody | Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency | 1200 Pennsylvania Ave NW (MC-1301A) |
Washington DC | 20460
Moody.Christina@epa.gov

From: Frye, Tony (Robert)
Sent: Thursday, August 30, 2018 12:33 PM
To: Moody, Christina <Moody.Christina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Outstanding QFRs

Hey Christina – The list below is what we have outstanding on the QFRs.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

^[1] “Response Letter from the Environmental Protection Agency on the Narragansett Bay Estuary Program,” December 4, 2017.
<https://www.whitehouse.senate.gov/imo/media/doc/2017-12-04%20EPA%20Response%20to%20NBEP%20Letter.pdf>